

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Transport Department – Suits – Andhra Pradesh Administrative Tribunal orders Dated 18/09/2009 in O.A.NO.8321/2008 filed by Sri S. K. Karimulla, Driver, Office of the Deputy Transport Commissioner, Nellore, Nellore District for his transfer to the post of Attender from the post of Driver on health grounds – Orders – Issued.

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TRANSPORT, ROADS & BUILDINGS (SER.IV) DEPARTMENT

G.O.Rt.No. 403

Dated: 24/04/2010

Read the following:-

1. Hon'ble A. P. Administrative Tribunal orders Dated 18/09/2009 O.A.NO.8321/2008 filed by Sri S.K.Karimulla, Driver, office of the Deputy Transport Commissioner, Nellore, Nellore District.
2. Govt. Memo. No.11532/Ser.IV/2009-1, Dated 19/10/2009.
3. From the Transport Commissioner Letter No.6375/C1/2008, Dated 05/11/2009.

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ORDER:-

In the reference 3<sup>rd</sup> read above, the Transport Commissioner has inter alia stated that Sri S.K.Karimulla, Driver, Office of the DTC, Nellore as per the directions of the Hon'ble Tribunal to appoint him as Attender in the existing vacancy as he is suffering from low back ache (Cubadisc Syndorum) and advised not to drive the vehicle and he needs stationary job to relieve pains. He has stated that the Deputy Transport Commissioner, Nellore reported that there are two Attender posts vacant in the Office of the Deputy Transport Commissioner, Nellore and one post of Attender (B.C'C'(W) has been notified to the District Collector, Nellore to fill up the vacancy. Another vacancy of Attender arose due to retirement of another Attender on attaining the age of Superannuation. Sri S. K. Karimulla, Driver has therefore requested to post him as Attender in the office of the Deputy Transport Commissioner, Nellore in the existing vacancy as he is suffering from Low back ache (cubadisc Synodrum). The request of the individual was examined as per provision 15(a) of Fundamental Rules and rejected vide his Memo.Dated 29/09/2008 and as verified from the Service Register of the individual, he belongs to BC (B) Community. He is not qualified for the post of Attender since he has not passed VII Class.

2. Aggrieved by the above orders Sri S.K.Karimulla, Driver, Office of the DTC, Nellore has approached the Hon'ble APAT and filed in O.A.No.8321/2008. Accordingly, the Hon'ble Tribunal while setting aside the impugned orders issued by the Transport Commissioner in Proceedings No.6375/C1/2008, Dated 29/09/2008 has observed, inter alia, that as per F.R 15 (a) (2) "the State Government may transfer a Government Servant from one post to another provided that except on his written request" and also directed the Government to pass appropriate orders". Accordingly, the O.A is disposed of with the above directions.

3. The Transport Commissioner has, therefore, forwarded the representation of Sri S.K.Karimulla, Driver to appoint him in the post of Attender and requested to pass appropriate orders, as directed by the Hon'ble Tribunal.

4. After careful consideration of the proposal of the Transport Commissioner, A.P in the reference 3<sup>rd</sup> read above, Government hereby permit the Transport Commissioner to appoint Sri S. K. Karimulla, Driver, Office of the Deputy Transport Commissioner, Nellore, Nellore District as Attender in the existing vacancy, from the post of Driver on health grounds, in relaxation of A.P.Last Grade Service Rules, as a special case, keeping in view the orders of Hon'ble A.P.Administrative Tribunal Dated 18/09/2009 in O.A.NO.8321/2008.

5. The Transport Commissioner shall take further necessary action in the matter accordingly.

6. This order issues with the concurrence of Finance (Pen.II) Department vide their U.O.No.262/28/A1/Pen.II/2010, Dated 04/02/2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH

PRINCIPAL SECRETARY TO GOVERNMENT

To

The Transport Commissioner, A.P, Hyderabad.

The individual through the Transport Commissioner, A.P, Hyderabad.

Copy to: The Deputy Transport Commissioner, Nellore.

P.S to Minister (Transport).

Sf/Sc.

// FORWARDED::BY ORDER //

SECTION OFFICER